

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL ACTION NO. 3:16-cv-669-FDW-DSC

JAMES K. BRYANT,)
)
PLAINTIFF,)
)
VS.)
)
NANCY A. BERRYHILL¹,)
ACTING COMMISSIONER OF)
SOCIAL SECURITY,)
)
DEFENDANT.)

THIS MATTER IS BEFORE THE COURT on Plaintiff's Consent Motion for Fees

Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) (EAJA) and Costs filed on June 1, 2018. Having reviewed the Motion, supporting materials, memorandum in support, and the case file the Court determines that Plaintiff should be awarded attorney fees under the EAJA in the amount of \$4,750.00.

IT IS ORDERED that Plaintiff's Motion is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$4,750.00, and that pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. --, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, the

¹ Nancy A. Berryhill is now Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for Acting Commissioner Carolyn W. Colvin as Defendant herein. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Government will exercise its discretion and honor an assignment of EAJA fees, and pay them directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: June 7, 2018



David S. Cayer
United States Magistrate Judge 